

IN RE: PETITION FOR VARIANCE  
N/S of Oakleigh Beach Road, 679 ft. E  
centerline of Pin Oak Road  
15th Election District  
7th Councilmanic District  
(932 Oliver Beach Road)

Christine A. & John M. Garey  
and Gloria Lee Wilson  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 06-069-A

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by Christine A. & John M. Garey and Gloria Lee Wilson, the legal owners of the subject property. The Petitioners are requesting variance relief for property they own at 932 Oliver Beach Road in the eastern area of Baltimore County. The variance is requested from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (shed) to be located in the side yard with a 6-inch side yard setback in lieu of the required rear yard and 2 ½-foot setback.

The property was posted with Notice of Hearing on September 12, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 13, 2005 to notify any interested persons of the scheduled hearing date.

### Applicable Law

Section 307 of the B.C.Z.R. – Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted

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Date

By

9/30/05

By

as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

#### Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Bureau of Development Plans Review dated August 19, 2005, a copy of which is attached hereto and made a part hereof. The Plat to Accompany was changed prior to the hearing to incorporate these comments. In addition, a ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated September 7, 2005 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof.

#### Interested Persons

Appearing at the hearing on behalf of the variance request were John and Christina Garey, Petitioners. Appearing in opposition to the Petition were Joe and Mary Pruchnieski, adjacent property owners. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### Code Enforcement Comments

This matter is currently the subject of an active violation case in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter due to the fact that the Petitioners erected the subject shed too close to the fence on the property line.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioners cannot use the fact that a structure has been built to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioners as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this office.

### **Testimony and Evidence**

Testimony and evidence indicated that the property, which is the subject of this variance, contains 7,600 sq. ft. and is zoned DR 5.5. The subject property is improved by an existing single-family dwelling in which the Petitioners reside. This structure was recently rebuilt due to extensive damage done in a fire. The original home on this site was built in the 1940's on two 25 foot wide lots in the "Oakleigh Beach" subdivision.

Mr. Garey testified that he wished to erect a garage/shed on the side of his home and contracted Black Bear Company to supply the prefabricated 14 ft. x 34 ft. structure. See Petitioner's Exhibit 1. He indicated that the company told him that no permits would be required to place the shed on the property. Apparently, the shed was delivered in the winter when the driveway leading to the shed was icy. As a result the shed slipped off the delivery truck such that it wound up only a few inches from the fence which divides the subject property from the protestant's property. Mr. Garey presented photographs of damage done to the wooden frame on the bottom of the shed, which he indicated occurred during delivery. He indicated

further that although there was room to move the shed toward the house and avoid a variance, this would cut off light and air from several windows in the side of the house and a eliminate a walkway between the shed and house leading to the back yard. The Petitioner is requesting a side lot line setback of 6 inches for the shed while Section 400.1 requires a 2 ½ feet setback.

In regard to locating the shed in the rear yard, the parties agreed that this was impractical due to existing trees, an above-ground pool and swings located in the rear yard. The variance to locate the shed in the side yard rather than the rear yard was not disputed.

The Protestants live next door a 930 Oakleigh Road and vehemently object to the variance of 6 inches. They want to erect their own carport on the Petitioners' side of their property and are concerned that the Petitioners' shed will interfere with their plans for the carport. Both parties presented photographs of the shed and houses that were damaged due to fire some years ago. Both admitted that there is substantial mistrust and miscommunication between the parties going back some years due to past disputes.

At that point there was a general discussion of the long and expensive steps in the appeal process. After further discussion the parties agreed to a one foot variance.

#### **Findings of Fact and Conclusions of Law**

The location of the shed in the side yard is not in dispute. After much discussion, the parties agreed to a one foot variance. I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This subdivision was recorded many years before the zoning regulations were imposed and consequently the regulations impact this property differently from others created in accord with the regulations. I further find that the Petitioners will suffer hardship and practical difficulty if the regulations are strictly enforced. I also find that these variances can be granted within the spirit and intent of the regulations and will not adversely affect the neighborhood. Moving the

shed away from the property line one foot will ensure that this structure will not interfere with the protestants' plans to erect their carport in this location.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' modified variance request should be granted.

THEREFORE, IT IS ORDERED, this 30 day of September, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (shed) to be located in the side yard with a one foot side yard setback in lieu of the required rear yard and 2 ½-foot setback, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. Compliance with the ZAC comments made by DEPRM dated September 7, 2005, a copy of which is attached hereto and made a part hereof;
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

  
JOHN V. MURPHY  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

JVM:raj

9/30/05

## Zoning Commissioner

Suite 405, County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204  
Tel: 410-887-3868 • Fax: 410-887-3468



## Baltimore County

*James T. Smith, Jr., County Executive*  
*William J. Wiseman III, Zoning Commissioner*

September 30, 2005

John & Christina Garey  
932 Oakleigh Beach Road  
Baltimore, Maryland 21222

Re: Petition for Variance  
Case No. 06-069-A  
Property: 932 Oakleigh Beach Road

Dear Mr. & Mrs. Garey:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink that reads "John V. Murphy".

John V. Murphy  
Deputy Zoning Commissioner

JVM:raj  
Enclosure

c: Joe & Mary Pruchnieski  
930 Oakleigh Beach Road  
Baltimore, MD 21222

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





C B C A

# Petition for Variance

**to the Zoning Commissioner of Baltimore County**  
**for the property located at** 932 OAKLEIGH Beach Rd.  
**which is presently zoned** D.R. 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (SHED) TO BE LOCATED IN THE SIDE YARD WITH A 6-INCH SIDE YARD SETBACK IN LIEU OF THE REQUIRED REAR YARD AND 2 1/2-FOOT SETBACK.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty): Unable to move shed for fear of further Damages to Structure. When the shed was delivered. There was ice on the driveway. The shed slipped off the trailer and Landed too close to the line. If moved closer to the house there would be no access to that side of the house.  
Property is to be posted and advertised as prescribed by the zoning regulations.  
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

**Contract Purchaser/Lessee:**

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Attorney For Petitioner:**

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Company \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Legal Owner(s):**

Gloria Lee Wilson  
Shirley Wilson  
John Martin Garey  
Name - Type or Print \_\_\_\_\_  
Signature John Martin Garey \_\_\_\_\_  
Christine Ann Garey  
Name - Type or Print \_\_\_\_\_  
Signature Christine Ann Garey \_\_\_\_\_  
932 OAKLEIGH Beach Rd. 410-388-2460  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Balto. Co. Md. 21222  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Representative to be Contacted:**

Name \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**OFFICE USE ONLY**

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By D.T. Date 8/2/05

ORDER RECEIVED  
9/30/05  
205  
1588

## Zoning Description for **932 Oakleigh Beach Road**

Beginning at a point on the north side of Oakleigh Beach Road  
Which has a 30-foot right-of-way at a distance of 679-feet east of  
the centerline of Pin Oak Road. Being Lot #56 in the  
subdivision known as "Oakleigh Beach" as recorded in Baltimore  
County Plat Book #12, Folio #46 containing 7,600 square feet.  
Also known as 932 Oakleigh Beach Road and located in the 15th  
Election District, 7th Councilmanic District.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 648671

DATE 8/2/05

ACCOUNT 00100046150

AMOUNT \$ 65.00

RECEIVED FROM: JOHN CASEY

FOR: ITEM # 069 06-0129-A

932 OAKLEY BEACH RD. B1 D7

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED BY

DATE

TIME

OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

ACCOUNT # 00100046150

DATE

AMOUNT \$ 65.00

PAID TO: JOHN CASEY

FOR: 06-0129-A

RECEIVED BY: JOHN CASEY

CASHIER'S VALIDATION

#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: **406-069-A**

932 Oakleigh Beach Road

Nside of Oakleigh Beach Road, 679 feet east of centerline of Pin Oak Road

15th Election District — 7th Councilmanic District

Legal Owner(s): John Martin & Christine Ann Garey & Gloria Lee Wilson

**Variance:** to permit an accessory structure (shed) to be located in the side yard with a 6-inch side yard setback in lieu of the required rear yard and 2 1/2 foot setback.

**Hearing:** Thursday, September 29, 2005 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations, Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 9/6/07 September 13

66715

## CERTIFICATE OF PUBLICATION

9/15, 2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/13, 2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

*S. Wilkins*

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

RE: Case No.: 06-069-A

Petitioner/Developer: JOHN MARTIN

+ CHRISTINE GAREY + GLORIA LEE WILSON

Date of Hearing/Closing: 9-29-05

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: \_\_\_\_\_

932 OAKLEIGH BEACH RD

The sign(s) were posted on \_\_\_\_\_

9-12-05  
(Month, Day, Year)

Sincerely,

Robert Black  
(Signature of Sign Poster)

9-14-05  
(Date)

SSG Robert Black

\_\_\_\_\_  
(Print Name)

1508 Leslie Road

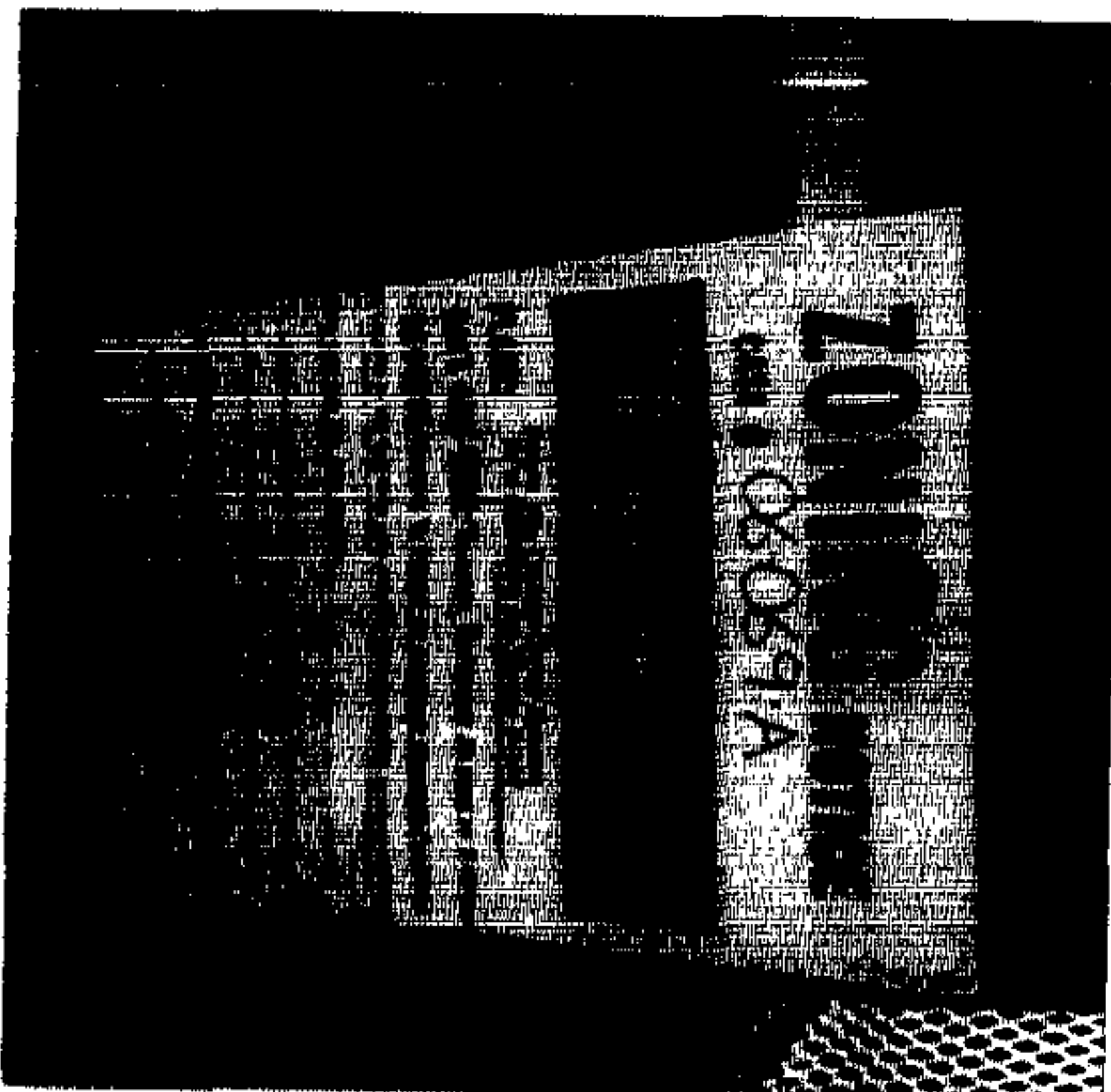
\_\_\_\_\_  
(Address)

Dundalk, Maryland 21222

\_\_\_\_\_  
(City, State, Zip Code)

(410) 282-7940

\_\_\_\_\_  
(Telephone Number)



932 OAKLEIGH BEACH RD

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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**For Newspaper Advertising:**

Item Number or Case Number: 06-069-A

Petitioner: GAREY

Address or Location: 932 OAKLEIGH BEACH RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR + MRS. JOHN M. GAREY

Address: 932 OAKLEIGH BEACH RD.

BALTO. MD 21222

Telephone Number: 410-388-5460



Director's Office  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
Tel: 410-887-3353 • Fax: 410-887-5708

August 16, 2005

## **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 06-069-A**

932 Oakleigh Beach Road  
N/side of Oakleigh Beach Road, 679 feet east of centerline of Pin Oak Road  
15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owners: John Martin & Christine Ann Garey & Gloria Lee Wilson

Variance to permit an accessory structure (shed) to be located in the side yard with a 6-inch side yard setback in lieu of the required rear yard and 2 ½ foot setback.

Hearing: Thursday, September 29, 2005 at 11:00 a.m. in Room 106, County Office Building,  
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Mr. & Mrs. Garey, Ms. Wilson. 932 Oakleigh Beach Road, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, SEPTEMBER 14, 2005.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**



TO: PATUXENT PUBLISHING COMPANY  
Tuesday, September 13, 2005 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. John M. Garey  
932 Oakleigh Beach Road  
Baltimore, MD 21222

410-388-2460

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## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 06-069-A**

932 Oakleigh Beach Road

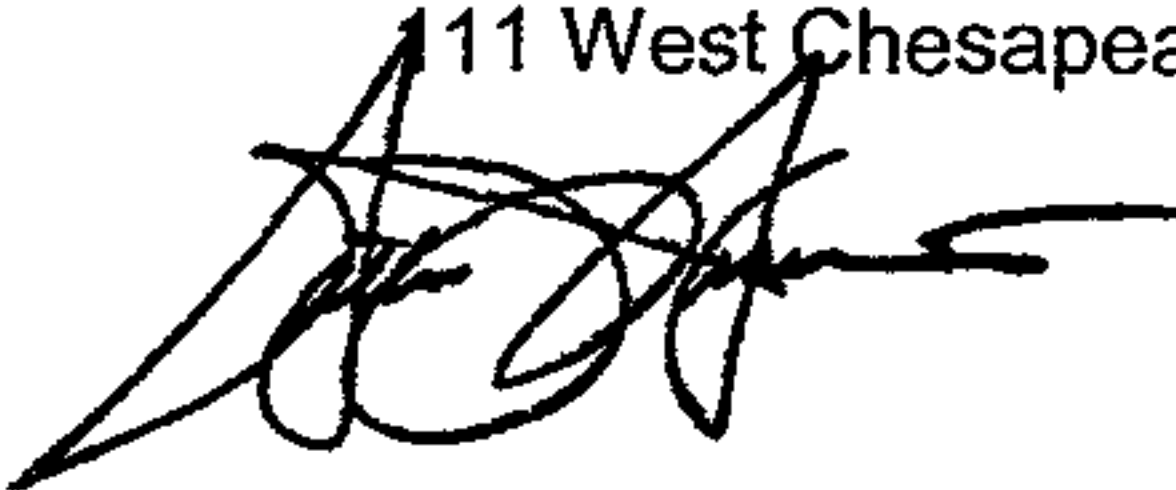
N/side of Oakleigh Beach Road, 679 feet east of centerline of Pin Oak Road

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: John Martin & Christine Ann Garey & Gloria Lee Wilson

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Hearing: Thursday, September 29, 2005 at 11:00 a.m. in Room 106, County Office Building,  
111 West Chesapeake Avenue, Towson 21204



WILLIAM J WISEMAN III  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**Department of Permits and  
Development Management**

Development Processing  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204



**Baltimore County**

*James T. Smith, Jr., County Executive  
Timothy M. Kotroco, Director*

September 19, 2005

Gloria Lee Wilson  
John Martin Garey  
Christine Ann Garey  
932 Oakleigh Beach Road  
Baltimore, Maryland 21222

Dear Ms. Wilson and Mr. and Mrs. Garey:

RE: Case Number: 06-069-A, 932 Oakleigh Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 2, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



## Fire Department

700 East Joppa Road  
Towson, Maryland 21286-5500  
Tel: 410-887-4500



## Baltimore County

*James T. Smith, Jr., County Executive*  
*John J. Hohman, Chief*

August 10, 2005

County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTENTION: Zoning Review planners

Distribution Meeting of: August 15, 2005

Item No.: 067-076

1. The fire marshal's office has no comments at this time.

Pursuant to your request, this Bureau has reviewed the referenced plan(s) and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Acting Lieutenant David Heath  
Fire Marshal's Office  
410-887-4881  
MS-1102F

cc: File

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



Robert L. Ehrlich, Jr., Governor  
Michael S. Steele, Lt. Governor



Robert L. Flanagan, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 8.9.05

Ms. Kristen Matthews  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 069 DT

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief  
Engineering Access Permits Division

# BALTIMORE COUNTY, MARYLAND

## Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: R. Bruce Seeley *RB*

DATE: September 7, 2005

SUBJECT: Zoning Item 06-069-A  
Address 932 Oakleigh Beach Road  
Garey Property

Zoning Advisory Committee Meeting of August 15, 2005

\_\_\_\_\_ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-100 through 33-2-1004, and other Sections, of the Baltimore County Code).

### Additional Comments:

No structures may be permitted within one hundred feet (100') of tidal waters unless a Chesapeake Bay Critical Area Administrative Variance is requested and is granted by the Director of this Department. There is no guarantee that a variance will be granted. All other applicable Critical Area Regulations must be met.

Reviewer: Glenn Shaffer

Date: September 1, 2005

S:\Devcoord\ZAC06-069.doc

ORDER RECEIVED FOR FILING

Date

By

9/30/05  
*RB*

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Timothy M. Kotroco, Director  
Department of Permits and  
Development Management

**DATE:** August 19, 2005

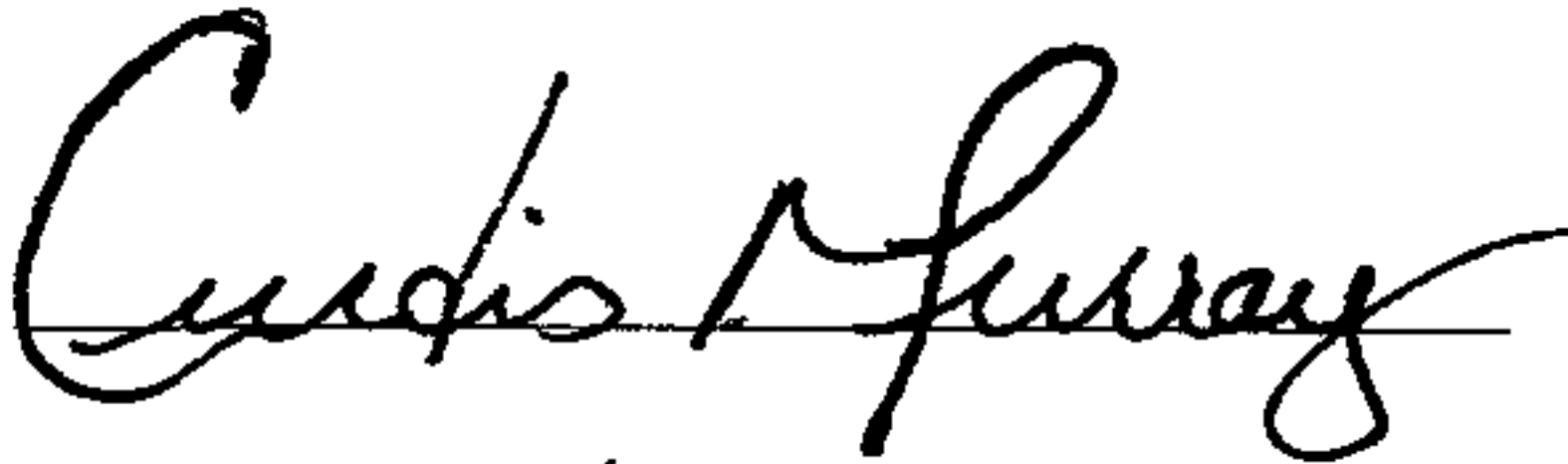
**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

**SUBJECT:** Zoning Advisory Petition(s): Case(s) 6-069- Variance

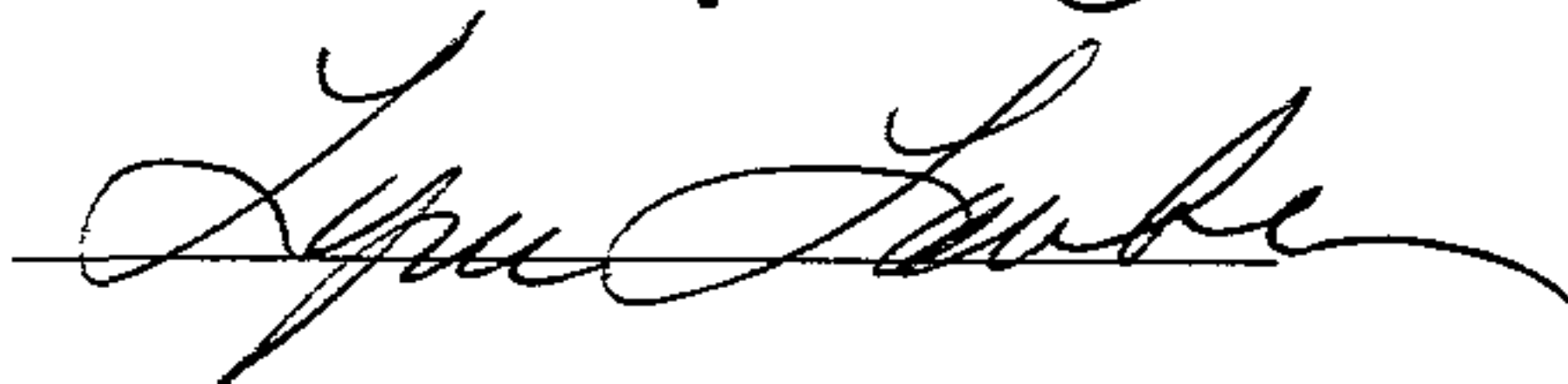
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Timothy M. Kotroco, Director  
Department of Permits & Development  
Management

**DATE:** August 19, 2005

**FROM:** <sup>DAK</sup> Dennis A. Kennedy, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For August 22, 2005  
Item No. 069

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Show a 5-foot-wide right-of-way widening strip along Oakleigh Beach Road and revise the 42-foot setback line to be 37-feet.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 069-08192005.doc

RE: PETITION FOR VARIANCE \* BEFORE THE  
932 Oakleigh Beach Road; N/side Oakleigh \*  
Beach Road, 679' E c/line Pin Oak Road \* ZONING COMMISSIONER  
15<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts \*  
Legal Owner(s): John M & Christine Garey \* FOR  
& Gloria Wilson  
Petitioner(s) \* BALTIMORE COUNTY  
\* 06-069-A

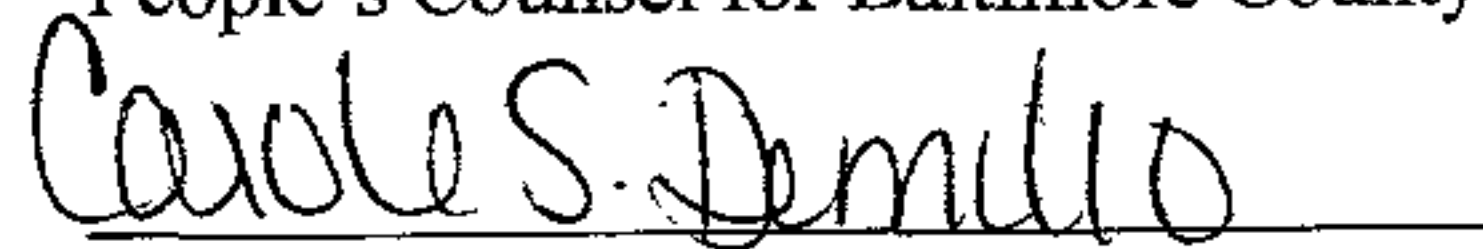
\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.



PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11th day of August, 2005, a copy of the foregoing Entry of Appearance was mailed to, John & Christine Garey, Gloria Wilson, 932 Oakleigh Beach Road, Baltimore, MD 21222, Petitioner(s).



PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

RECEIVED

AUG 11 2005

Per... 

DATE \_\_\_\_\_

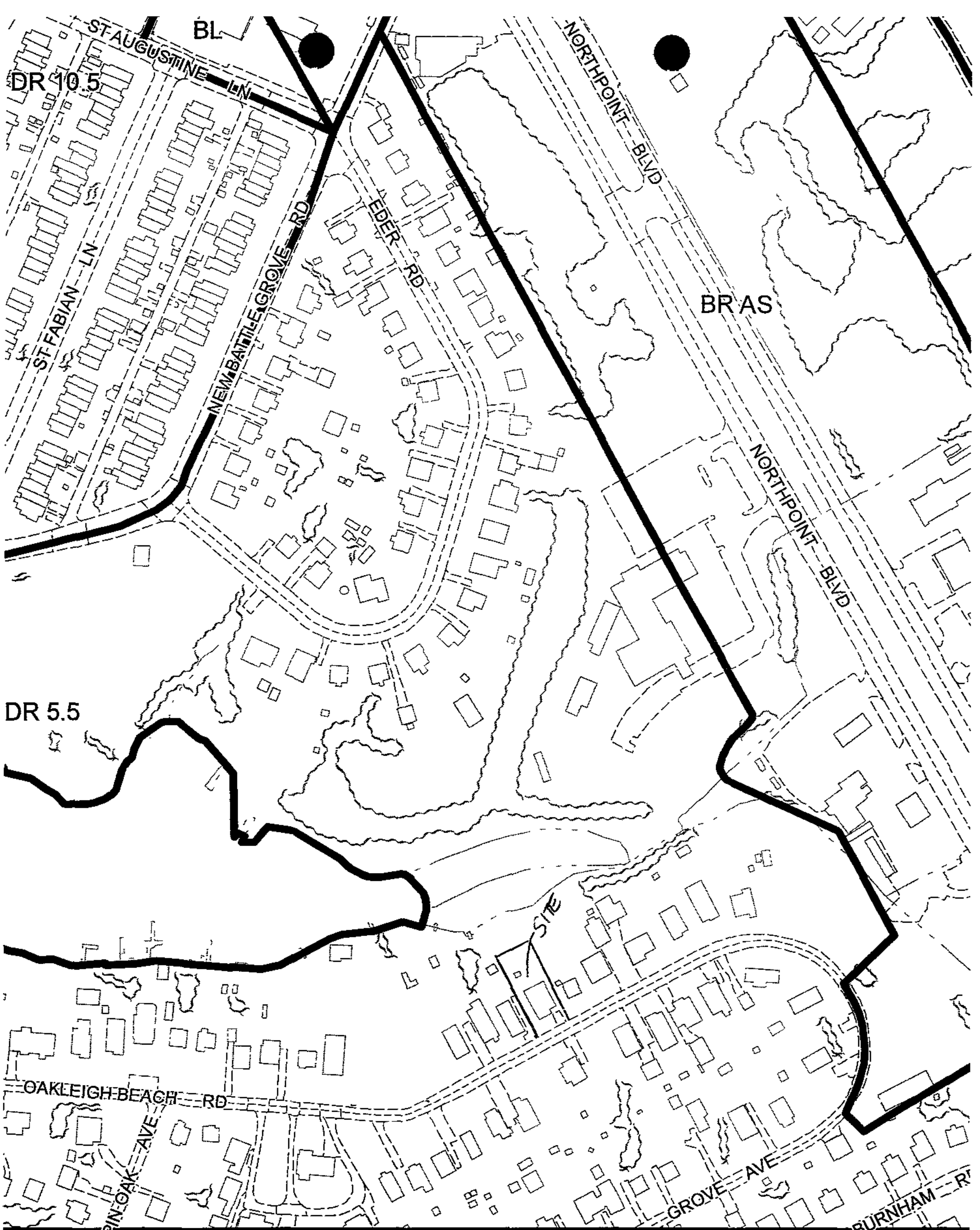
E-MAIL

BALY MA 212222

CASE NAME 932 Oakblugh Beach Rd  
CASE NUMBER 06-069A  
DATE 9-29-05

**CITIZEN'S SIGN-IN SHEET**

[illegible]



ect: 104B2

-3-202 of the Baltimore County, 2003 Code establishes  
eodatabase. This map represents the actions of the

## Legend

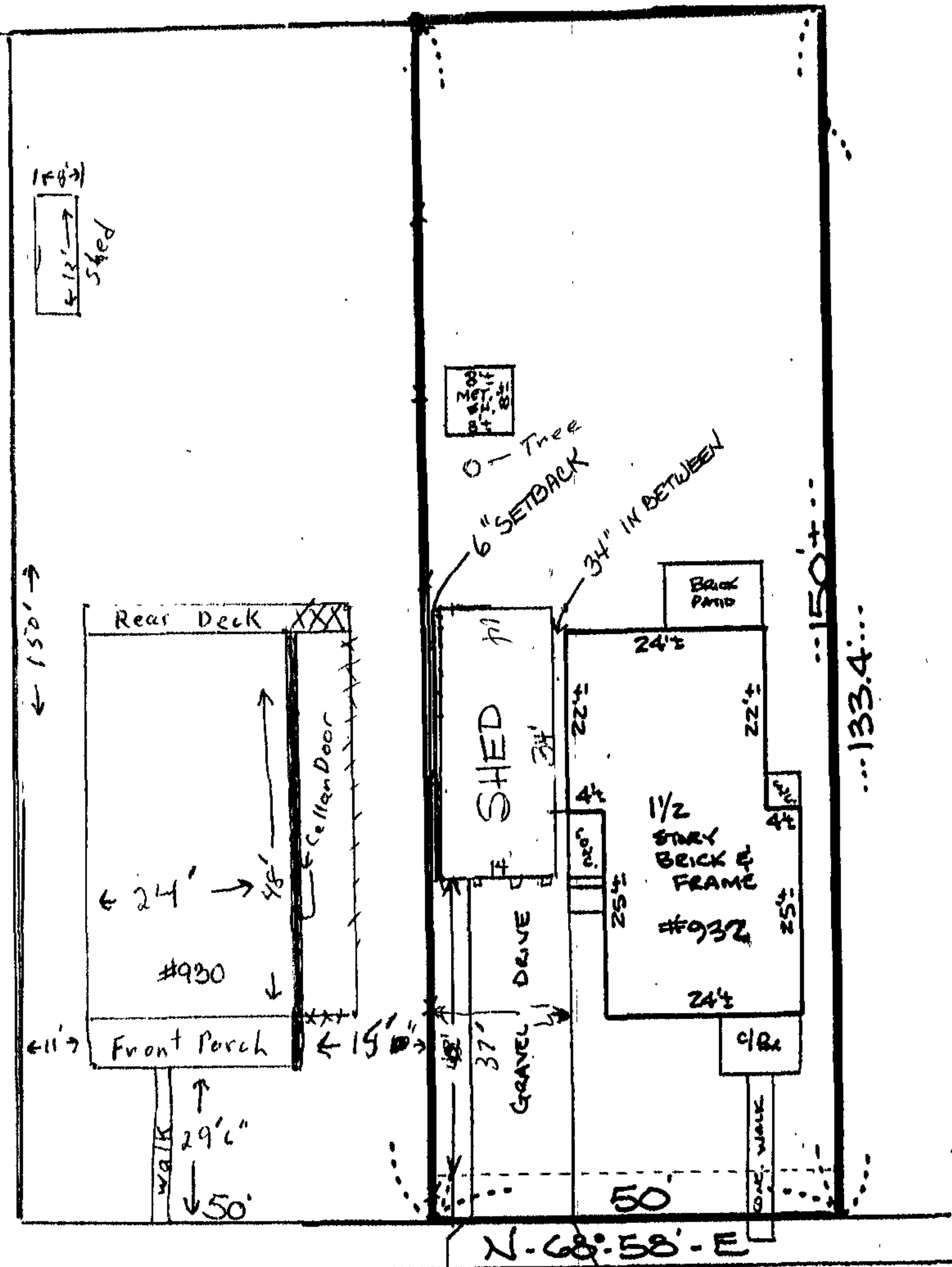
 Zoning

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

Open House Project

12 FOLIO # 46 LOT # 56 SECTION #

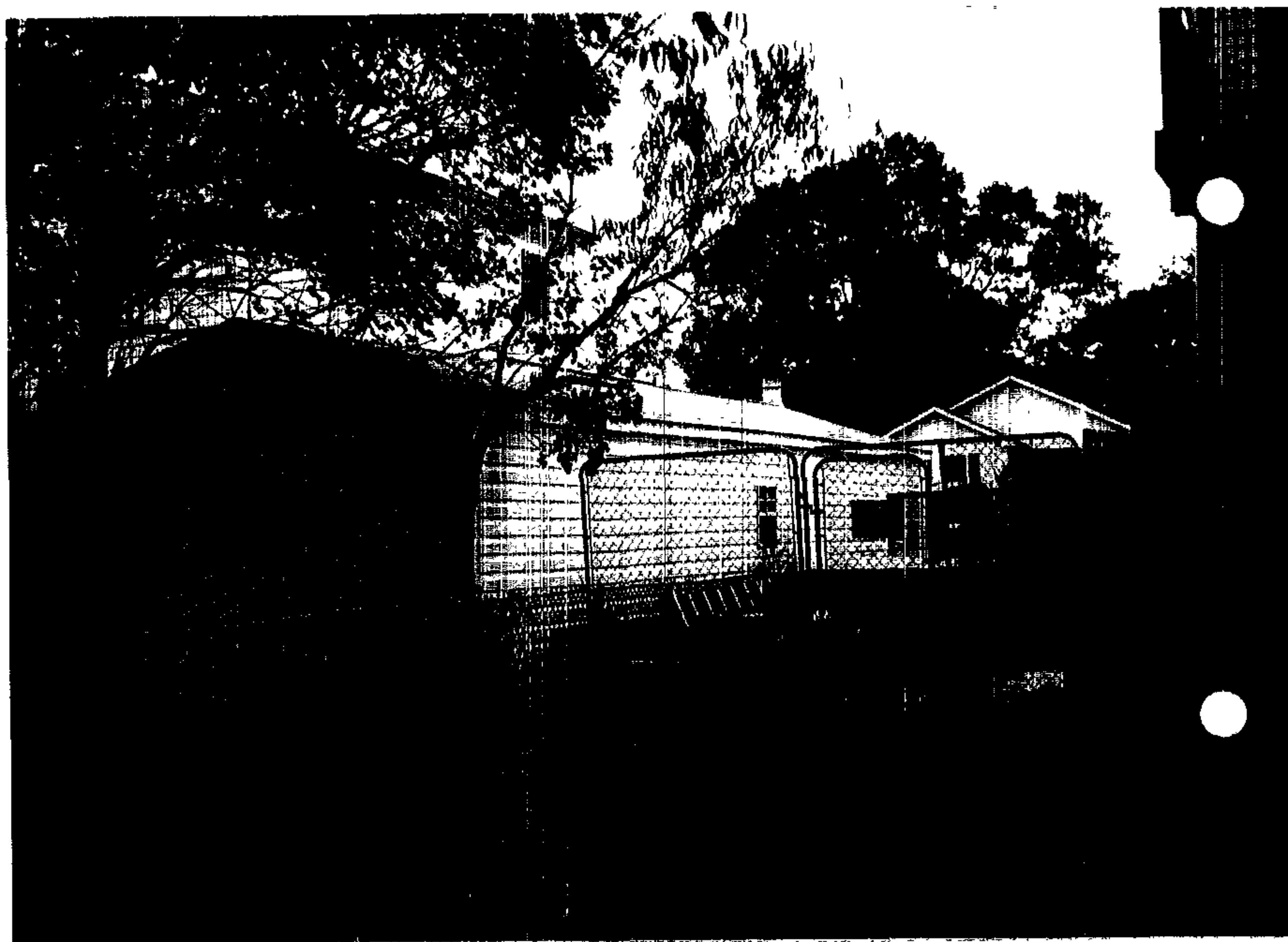
OWNER JOHN M. + CHRISTINE A. GAREY



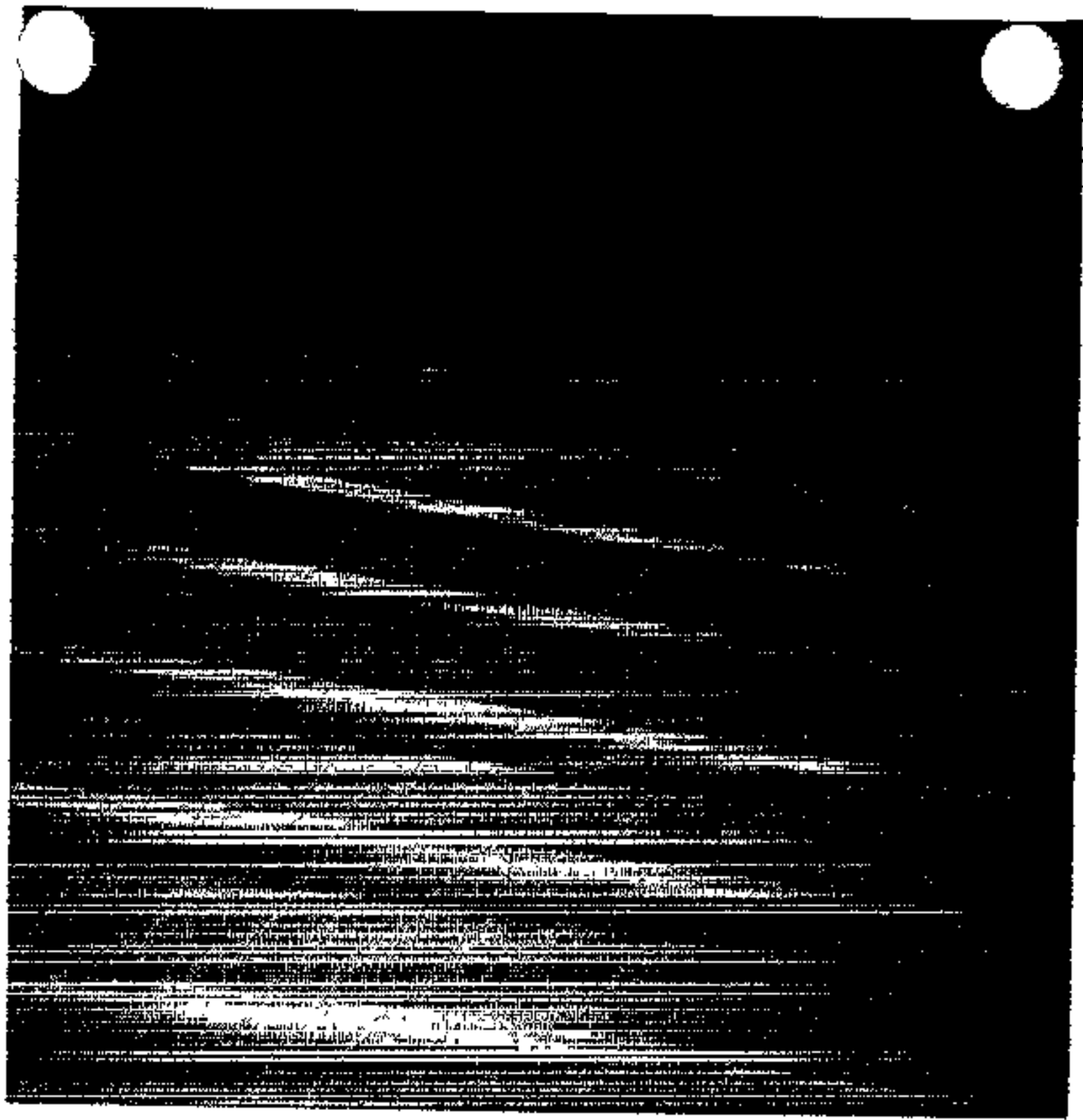
OAKLEIGH BEACH RD.

(30' R/W)  
PAVED 18'

|                                                                                                                                                                                        |                                                                                                     |                                                                                   |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|--|
| <p><b>LOCATION INFORMATION</b></p> <p>ELECTION DISTRICT <b>15th</b></p> <p>COUNCILMANIC DISTRICT <b>7th</b></p> <p>1" = 200' SCALE MAP # <b>10482</b></p> <p>ZONING <b>D.R.S.S</b></p> |                                                                                                     |                                                                                   |  |
| <p>LOT SIZE</p> <p><b>7600</b></p>                                                                                                                                                     | <p>ACREAGE</p> <p><b>7600</b></p>                                                                   | <p>SQUARE FEET</p> <p><b>7600</b></p>                                             |  |
| <p>SEWER</p> <p><input checked="" type="checkbox"/> PUBLIC</p> <p><input type="checkbox"/> PRIVATE</p>                                                                                 | <p>WATER</p> <p><input checked="" type="checkbox"/></p>                                             | <p>YES <input checked="" type="checkbox"/></p> <p>NO <input type="checkbox"/></p> |  |
| <p>CHESAPEAKE BAY CRITICAL AREA</p> <p><input checked="" type="checkbox"/></p>                                                                                                         | <p>100 YEAR FLOOD PLAIN</p> <p><input type="checkbox"/></p>                                         | <p>HISTORIC PROPERTY / BUILDING</p> <p><input type="checkbox"/></p>               |  |
| <p>PRIOR ZONING HEARING</p> <p><b>NONE</b></p>                                                                                                                                         | <p>ZONING OFFICE USE ONLY</p> <p>REVIEWED BY <b>DT</b> ITEM # <b>069</b> CASE # <b>06-069-H</b></p> |                                                                                   |  |



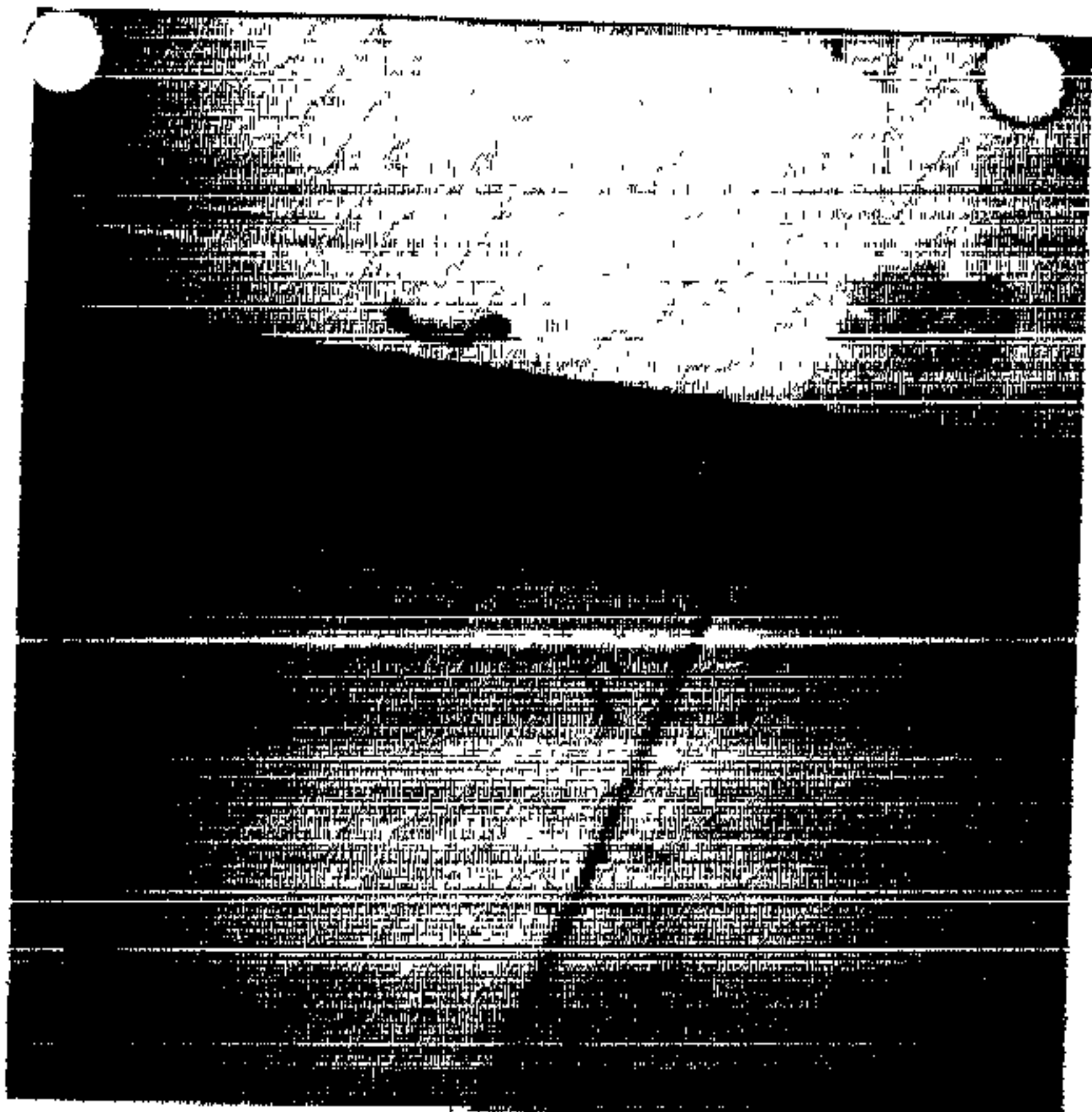




2A



2B



2C